



CITY OF BETHLEHEM

Stormwater Management Program

Credit and Appeal Manual for Stormwater Fees



Your guide to reducing your stormwater fee and protecting Bethlehem's water resources.

City of Bethlehem

Department of Public Works
610-865-7063

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City of Bethlehem

Stormwater Protection Program

Credit and Appeals Manual

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Why manage stormwater?

The City is subject to a permit under the Pennsylvania Clean Streams Law and the federal Clean Water Act that regulates Bethlehem's storm drainage system. This permit, known as a Municipal Separate Storm Sewer System (MS4) permit, imposes specific mandates on the City for preventing new pollution and reducing pollution from existing sources.

Stormwater is rain and melted snow that "runs off" the land. In natural, undeveloped areas, soil absorbs and filters most of the stormwater in a process called infiltration. The water that runs off the land in Bethlehem flows to the Monocacy Creek, Nancy Run, Saucon Creek, and the Lehigh River.

During development, natural areas are replaced with roofs, driveways, sidewalks, and streets. These hard surfaces, called impervious surfaces, do not allow water to penetrate them and increase the volume and velocity of stormwater runoff. Stormwater runoff carries fertilizers, sediment, oil, grease, heavy metals, trash, and anything else deposited on impervious surfaces directly into the City's storm drain system and natural stream systems. This can cause:

- Erosion of streams and decreased water quality;
- Contamination of downstream water quality and drinking water supplies; and,
- Flooding, property damage, and damage to public storm drains.

The City of Bethlehem is taking action to clean up our community's polluted stormwater runoff and to make necessary investments in our aging stormwater infrastructure. Many of the City's pipes are over 100 years old! This will not only help to improve water quality and our environment for future generations, but also help protect residents and private property from damage due to flooding.

Did you know that Bethlehem...

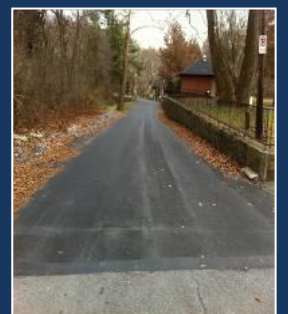
- **Maintains over 50 miles of pipe and channels, 3,000 inlets, 205 outfalls, and 1,650 manholes?**

Much of the City's stormwater system was installed prior to modern codes and design standards. As a result, large parts of the system are deteriorating, under-sized, and don't meet today's needs.

- **Sweeps 290 miles of streets?**

Sweeping removes pollutants such as grit and trash that would otherwise flow to the creeks, streams, and river, helping to protect water quality.

Is required by state and federal law to reduce stormwater pollution and improve the quality of our local streams?




Stormwater Utility Fee

The City of Bethlehem has been working diligently to develop solutions to our water quality and flood control challenges. After considering different options, like many other communities the City chose to implement a stormwater utility fee. A stormwater utility fee is a charge based on the amount of impervious area on a property.

This approach has several advantages. First, it fairly distributes the cost of the City's stormwater services since the amount of impervious area is related to the amount of stormwater that must be managed and all property owners directly benefit from a well maintained and regulated drainage management system. This concept is similar to measuring usage and calculating fees for drinking water and sanitary sewer services. Second, the amount of the fee must be linked to demonstrated need for publicly provided stormwater management services addressing flood abatement, water quality protection, infrastructure operation and maintenance, and regulatory compliance. All revenue is deposited into a special fund that can only be used for stormwater management.

How is the fee calculated?

Since a stormwater utility is a fee for service, all properties are charged regardless of their tax status. In Bethlehem, properties are charged in increments of 2,101 square feet (SF), the average impervious area of a residential property. These are called "billing units". All single family detached residential parcels are charged as one billing unit. All non-single family residential and commercial properties are charged based on the billing units within the parcel. Fractions are rounded to the nearest whole number. For example, the property below results in thirty-three (33) billing units. The number of billing units is then multiplied by the rate adopted by the City Council.

Sample Property	Factor	Calculation
	Impervious Area	70,336 Square Feet
	Billing Unit	2,101 Square Feet
	Number of Billing Units on Property	$70,336 \div 2,101 = 33.48$
	Natural Rounding	33 Billing Units
	User Fee	33 Billing Units \times Rate Set by City Council

A property with less than 500 SF of impervious area is considered undeveloped and therefore not assessed a fee.

Can I reduce my bill?

Yes! Another advantage of a stormwater utility fee approach is that it allows the City to provide “credits” to property owners who have implemented practices that reduce the impact of stormwater on the publicly-managed system and local water ways.

Bethlehem property owners can reduce their fee in two ways:

[1] Reduce your impervious area.

Property owners can remove un-needed impervious area. If the removal of impervious area results in fewer billing units, there is a reduction in the total fee charged. The City’s Department of Public Works is happy to work with any property owner to assess whether a planned reduction will result in a lower fee.

[2] Take credit for a stormwater management structure on your property.

The City will provide credit to property owners who operate and maintain qualifying stormwater management structures. These private structures help the City by reducing the cost of managing the public system. Typical facilities include dry ponds, wet ponds and wetlands, bioretention, bioswales and filter strips, permeable pavers, and green roofs.

This manual provides a step-by-step process for determining whether your stormwater structure qualifies for credit.



A stormwater structure, such as the bioretention facility above, may qualify a property owner for a credit on the stormwater utility fee.

Credit Policy

The City will provide a stormwater utility fee credit for any stormwater management structure if it meets the requirements in the Credit Eligibility Table:

Credit Eligibility Table for Post Construction Structures

Component	Requirement
Technical Standards	<ul style="list-style-type: none">● Condition of Development The structure is designed, installed, and accepted by the City in accordance with the current version of the Pennsylvania Stormwater Best Management Practices (BMP) Manual.
Maintenance Agreement	<ul style="list-style-type: none">● As a condition for a new or renewed credit, the City may require a maintenance agreement or an existing maintenance agreement to be updated to meet current standards for maintenance and inspection.
Function Verification	<ul style="list-style-type: none">● The structure must be functioning as designed.● This requirement is satisfied if the structure has previously been accepted by the City, has passed its most recent inspection, and is compliant with any reporting requirements contained in the maintenance agreement.● If the above conditions have not been met, this requirement is satisfied if a professional engineer or other professional recognized by the City certifies that the structure is operating as designed.● If the structure fails a City inspection, or the owner fails to submit documents as required in the maintenance agreement, the City will revoke the credit if corrective actions are not taken within the time specified by the City.

How much credit can I get?

The City's credit system accounts for the fact that different structures provide different levels of benefit and encourages redevelopment of existing impervious areas. Some structures provide only quality or flood control, while others provide both. Some structures provide higher levels of pollutant reduction than others. The credit system also accounts for low-income households. The following credit amounts will be applied to an eligible stormwater management structure or low-income households.

Credit Amount Table for Post Construction Structures

Required		Design Standard	Credit
Condition of Development	Control of New & Existing Impervious Cover	Current version of the Pennsylvania Stormwater BMP Manual	up to 50%*
	Control of New & Existing Impervious Cover under an approved PA Act 2 Program	Current version of the Pennsylvania Stormwater BMP Manual	50%+*, may be greater with Public Works Director approval
* The overall site credit will be based on the impervious area being managed by BMPs, Impervious area not managed by BMPs that meet the PADEP BMP standards will not receive credit.			

Credit Amount Table for Low-Income Households

Criteria	Credit
Household income below 150% of the <i>'Health and Human Services Poverty Guidelines for the 48 Contiguous States'</i> effective at the time of application & less than 1,500 square feet of impervious cover.	50% of the rate adopted by the City Council that is applied for annually. ¹

Common Questions

- **Does the credit apply to the entire property?** No, the credit only applies to the impervious area draining to the structure, not the entire property.
- **Can I take credit for impervious area from another property?** Yes, but only if the area is not subsequently treated by a structure on the contributing property. However, the credit taken by a property owner may not exceed 50% of the total stormwater utility fee for the property.
- **What about structures that are maintained by a homeowner's association?** These structures must meet the BMP requirements discussed later in this manual (see page 9).
- **What if my structure exceeded the design standard in place at the time of development?** Most structures were designed to meet the overall requirements for the property at the time of development. The City will consider exceptions on a case-by-case basis if the overall New & Existing Impervious is covered under the PA Act 2 Program.
- **Why can't I get 100% credit on my stormwater bill?** The City's stormwater program is designed to be comprehensive and includes public services such as system cleaning, rehabilitation, replacement of the storm drainage system, and regulatory compliance. All

¹ A limited number of Low-Income Household Credits will be approved by the city based on a first come first serve basis.

properties receive a benefit from the overall program and therefore contribute to the funding needed for stormwater management.

Post Construction Stormwater Structures serving homeowner associations.

A stormwater management structure may be operated and maintained by a homeowner association (HOA) on behalf of its members. **In these cases, the credit applicant is the association, not the individual property owners.** This is because some properties that belong to the association pay for maintenance of the structure but may not actually drain to the structure. Conversely, some properties that drain to the structure may not belong to the association.

HOAs should contact the Department of Public Works for more information prior to submitting a credit application.

Separate Billing and Consolidated Credit

The credit for the stormwater structure(s) is analyzed as if the HOA was a single property. When submitting an application, the association enters the total impervious area within the association boundary draining to the structure. The resulting credit is provided to the association. It is then up to the association, on behalf of its members, to determine how to distribute the credit among property owners (direct payment, reduction in HOA fees, deposit into a structure maintenance fund, etc.).

How and when do I apply?

A Credit Application Form must be submitted to the City by the operator of the structure, or his/her legal agent, and approved by the City's Department of Public Works to receive credit no later than September 1 for the following fiscal year user fees. Separate forms may be needed when there are multiple structures that are eligible for different credit levels. Once an application is approved, it will be applied to the next full billing period. Credits will be retroactively applied to previous billing periods for 2021 only.

Credit Application Checklist

Documentation	Description
Credit Application Form	This form is located under Forms at the end of this manual.
Structure Certification Form	This form is required ONLY if the structure has not been approved by the City and accepted into the City's inspection program. The form is completed under the authority of a professional engineer or other qualified professional. The form must include certification that the structure is functioning as originally designed.
The following must be submitted on request if not on-file with the City:	
Drainage Area Map	Provide a to-scale map showing property lines, impervious areas, stormwater drainage area boundaries, and the total impervious cover draining to the structure(s).
Structure Design Plan/As-Built Drawing	Provide the design plan and as-built drawing for the structure(s).
Maintenance Agreement	Provide a copy of the agreement that allows the City access to the site and establishes enforceable maintenance and reporting requirements. An updated maintenance agreement may be required as a condition of receiving credit.

Do I need to re-apply for credit?

At the discretion of the City, credit will continue to renew on an annual basis provided that the operator complies with all requirements of the maintenance agreement. The City reserves the right to change the criteria for receiving credit or require additional information for the operator of the structure to continue receiving credit.

The City will periodically inspect properties to verify functionality of the structures or best practices. If the inspection results in a determination of non-compliance or performance with the terms of the credit, the property owner will be provided time to make corrections/improvements. If such deficiencies are not corrected, the credit will be revoked.

Appeals Policy

Property owners may appeal their stormwater utility fee only when addressing errors in billing and /or calculation. The appeals process is outlined below.

Eligibility

Property owners have grounds for appeal if:

- The parcel in question is a public right-of-way
- The property is exempt because it is railway or associated ballast
- There is a mathematical error in calculating the stormwater fee
- The identity of the property owner is incorrect on the invoice, or
- An approved credit was applied incorrectly

Application Submission

Property owners must submit an appeals application to the City Public Works Director using the form provided in this manual. There is no application fee. The completed application and supporting documents must be submitted to:

Department of Public Works
City of Bethlehem
10 E. Church Street
Bethlehem, PA 18018

or:

Stormwaterfee@bethlehem-pa.gov

Appeal Determinations

- The property owner must submit an appeal within 30 days of the charge being mailed.
- A hearing officer will review the application for completeness, and if it is not complete, will notify the applicant within 15 days of submittal.
 - If the application is not complete, the applicant will have an additional 30 days to resubmit.

- Once the application is determined to be complete, the appeals officer will respond to the property owner within 30 days.
- If the hearing officer's decision is not in favor of the applicant, the applicant may further appeal to the Director of Public Works within 30 days of the response's receipt.
 - The Director's decision will be returned to the applicant within 30 days of the appeal's receipt.
- If the applicant is further aggrieved by the director's decision, then they may appeal to the appropriate County Court of Common Pleas within 30 days of the receipt of the Director's decision.
- If payment of the bill is not made within 15 days after the expiration of the property owner's right to appeal, the unpaid fee will be considered delinquent.

Billing Error Corrections and Payment Correction Appeal Determinations

The City will correct the billing information for those appeals that are determined to require an adjustment to the bill. The property owner's bill will be adjusted the following month based on the amount determined through the appeal.

Administration of Appeals

Successful appeal applicants will be reimbursed in the form of a credit in subsequent bills.

FORMS

Credit Application Form

FILL OUT THIS FORM FOR EACH STORMWATER MANAGEMENT STRUCTURE IF THERE ARE MULTIPLE STRUCTURES ON A PROPERTY

Applicant Name:

Date:

Property Information:

Owner

Street

City, State, ZIP Code

Property Type

Choose an item.

Mailing Address: (if different from property address)

Street

City, State, ZIP Code

Email Address:

Phone Number:

Reason for Credit: ☐ Stormwater Facility/BMP ☐ Low Income

If applying for credit due to low income, skip to 'Low Income Household Credit' section.

Homeowner Association Information:

Is the structure operated by a homeowner association?

☐ Yes ☐ No

Facility Information:

Leave blank if information is unknown.

Facility Type

Year of Installation

Was this facility constructed as a condition of development? Yes ☐ No ☐

If structure was a condition of development, was the facility designed to control new impervious cover, existing impervious cover, or a combination of both?

New Impervious Cover ☐

Existing Impervious Cover ☐

Both New and Existing Impervious Cover ☐

Impervious Area Treated:

New Impervious Area Treated SF

Existing Impervious Area Treated SF

Total Impervious Area Treated SF

Low Income Household Credit*:

Gross Household Income:

Number of Persons in Household:

Impervious Cover on Property Less than 1500 Square Feet? Yes ☐ No ☐

* To qualify for credit household income must be below 150% of the *'Health and Human Services Poverty Guidelines for the 48 Contiguous States'* effective at the time of application & the property must have less than 1,500 square feet of impervious cover.

Additional Information:

Please include additional information if necessary either in the box below or as a separate attachment:

The following supporting documentation may be required if it is not already on-file with the City. City staff will contact the applicant if the information is needed.

- **Drainage Area Map** – A to-scale map showing property lines, impervious areas, stormwater drainage area boundaries, and the total impervious cover draining to the structure(s).
- **Structure Design Plan/As-Built Drawing** – A design plan and as-built drawing for the structure(s).
- **Maintenance Agreement** – A copy of the agreement that allows the City access to the site and establishes enforceable maintenance and reporting requirements. An updated maintenance agreement may be required as a condition of receiving credit.

Certification and Inspection Agreement

- ☐ I am the legal operator or I am duly authorized to act on behalf of the legal operator, I have reviewed the information contained in this application and the supporting documentation, and to the best of my knowledge believe that it is true and accurate.
- ☐ I commit to maintaining the stormwater management structure in good working condition.
- ☐ I authorize the City or its representative to enter the site for the sole purpose of visually inspecting the stormwater management structure.
- ☐ I understand that if an inspection by the City indicates that the structure is not properly maintained, that the structure will no longer be eligible for credit if deficiencies are not corrected within the timeframe provided by City staff.

Name/Title:

Signature_____ **Date**_____

Return this form and supporting documentation to:

Department of Public Works
City of Bethlehem
10 E. Church Street
Bethlehem, PA 18018

or:

Stormwaterfee@bethlehem-pa.gov

Structure Certification Form

FILL OUT THIS FORM ONLY IF THE STRUCTURE HAS NOT ALREADY BEEN ACCEPTED INTO THE CITY'S INSPECTION SYSTEM

Applicant Name:

Date:

Property Information:

Owner

Street

City, State, ZIP Code

Property Type

Choose an item.

Structure Type:

Year Built:

Design Standard:

Impervious Area Treated (SF):

General Condition:	Yes	No	N/A
Is the primary outfall pipe/ ditch clear and functioning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the inflow pipes/ ditches clear and functioning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the water quality pool at the correct height (if present)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are water quality pool control weirs, pipes, etc. working properly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are emergency overflow devices clear and functional (if present)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the structure clear of sediment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the structure clear of trash?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are embankments free of erosion, woody vegetation (unless called for in the design), animal burrows, or signs of deterioration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is vegetation being managed in a manner appropriate to the facility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Certification

This certification must be made by or under the guidance of a licensed professional engineer, landscape architect, or other professional recognized by the City to make this certification.

- ☐ Based on a visual inspection of the above facility conducted on
I certify that the structure is currently functioning as designed.
- ☐ I certify that the total impervious area served by the structure is true and accurate.

Attach documentation of the structure inspection, including photographs.

Name:

Qualification:

Address of Inspector:

Email:

Phone:

Signature _____ **Date** _____

Return this form and supporting documentation to:

Department of Public Works
City of Bethlehem
10 E. Church Street
Bethlehem, PA 18018

or:

Stormwaterfee@bethlehem-pa.gov

Appeals Application Form

FILL OUT THIS FORM FOR EACH PARCEL

Applicant Name:

Date:

Property Information:

Owner

Street

City, State, ZIP Code

Property Type

Choose an item.

Mailing Address: (if different from property address)

Street

City, State, ZIP Code

Email Address:

Phone Number:

Parcel ID #

Utility Account #:

Utility Bill Date:

Stormwater Fee:

Reason for Appeal (Check Applicable):

- ☐ Incorrect parcel classification
- ☐ Incorrect square footage of impervious surface
- ☐ Mathematical error in calculating the fee
- ☐ Misapplication of an approved credit

Checklist (documents to include with this application)

- ☐ Complete and signed Stormwater Fee Appeal Application

For appeals related to the amount of impervious surfaces or number of ERUs, the following additional documentation must be included:

- ☐ A plot plan, map, aerial image, or similar information detailing actual impervious surfaces currently on-site.
- ☐ Proposed correction, in the applicant's opinion, of impervious surface measurement or number of ERUs associated with the property for which an appeal is being requested.

Appeal description:

Please provide a detailed written statement of the nature of the appeal in the box below or as a separate attachment:

Proposed correction for incorrect classification:Original Classification

- ☐ Single Family Residential
- ☐ Non-Single Family Residential/Commercial
- ☐ Undeveloped/Not billed
- ☐ Group Parcel

Proposed Classification

- ☐ Single Family Residential
- ☐ Non-Single Family Residential/Comercial
- ☐ Undeveloped/Not billed
- ☐ Group Parcel

Proposed correction of impervious surface measurement, number of ERUs, or credit:

Please provide supporting information and calculation in the box below or a separate sheet:

Signature_____ **Date**_____

Return this form and supporting documentation to:

Department of Public Works
City of Bethlehem
10 E. Church Street
Bethlehem, PA 18018

or:

Stormwaterfee@bethlehem-pa.gov